

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**Farm Sanctuary, Animal Equality,
Animal Legal Defense Fund, Center for
Biological Diversity, Mercy for Animals,
Inc., North Carolina Farmed Animal
Save, Animal Outlook**

Plaintiffs,

v.

**United States Department of
Agriculture, Food Safety and Inspection
Service, Paul Kiecker**, in his official
capacity as Food Safety and Inspection
Service Administrator,

Defendants.

Case No. 6:19-cv-06910

**DESIGNATION OF
RECORD ON APPEAL**

Plaintiffs request this Court certify and transmit the following documents to the U.S. Court of Appeals for the Second Circuit for its consideration of the appeal in this matter:

1. Amended Complaint with Ex. 1, ECF Nos. 22, 22-1;
2. Answer, ECF No. 52;
3. Defendants' Motion to Dismiss for Lack of Jurisdiction, ECF No. 25;
4. Defendants' Memorandum in Support re: Motion to Dismiss for Lack of Jurisdiction, ECF No. 26;
5. Plaintiffs' Memorandum in Opposition re: Motion to Dismiss for Lack of Jurisdiction, Ex. 1, Declaration of Cheryl Leahy on behalf of Animal Outlook, Declaration of David Washburn, Farm Sanctuary Member, Declaration of Diane Pierce, ALDF Member, Declaration of Gene Baur on behalf of Farm Sanctuary,

Declaration of Jill Mauer, Declaration of John Seber, MFA, Declaration of Kemp Burdette on behalf of Center for Biological Diversity, Declaration of Roxanne Kirtright on behalf of North Carolina Farmed Animal Save, Declaration of Sara Parker, ALDF Member, Declaration of Sharon Nunez on behalf of Animal Equality, Declaration of Tierra Curry on behalf of Center for Biological Diversity, ECF Nos. 30, 30–1 to 30–16;

6. Defendants' Reply to Response to Motion re: Motion to Dismiss for Lack of Jurisdiction, ECF No. 34;

7. *Docket Text*: Minute Entry for proceedings held before Hon. Elizabeth A. Wolford, ECF No. 41;

8. Plaintiffs' Notice of Recent Events and exhibits, ECF Nos. 42, 42–1;

9. Defendants' Reply/Response to Plaintiffs' Notice of Recent Events, ECF Nos. 43, 43–1;

10. Plaintiffs' Notice of Recent Events and exhibits, ECF Nos. 44, 44–1;

11. Decision & Order denying Defendants' Motion to Dismiss for Lack of Jurisdiction, ECF No. 50;

12. Stipulated Order for dismissal of Counts 2 and 3 of the Amended Complaint, without prejudice, ECF No. 80;

13. Plaintiffs' First Motion for Summary Judgment and Memorandum of Law in Support, ECF Nos. 86, 86–1;

14. Defendants' Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment and Memorandum in Support, ECF Nos. 93, 93-1;

15. Plaintiffs' Reply/Response in further support of Motion for Summary Judgment and in Opposition to Defendants' Cross-Motion for Summary Judgment, ECF No. 94;

16. Defendants' Reply/Response in further support of Cross-Motion for Summary Judgment, ECF No. 95;

17. Plaintiffs' Supplemental Brief on Standing, ECF No. 102;

18. Defendants' Supplemental Brief on Standing, ECF No. 103;

19. Plaintiffs' Reply to Defendants' Supplemental Brief on Standing, ECF No. 104;

20. Decision and Order granting Defendants' Motion for Summary Judgment and denying Plaintiffs' Motion for Summary Judgment, ECF No. 107;

21. Judgment in favor of Defendants, ECF No. 108; and

22. Notice of Appeal, ECF No. 109.

Respectfully submitted this 26th day of February, 2024.

By: /s/ Jessica L. Blome

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of February, 2024, I electronically filed the foregoing document with the Clerk of Court and that the foregoing document will be served via the CM/ECF system on all counsel of record.

s/ Jessica L. Blome

Jessica L. Blome
Attorney for Plaintiffs